REMARKS

Claims 1-27 are currently pending in the application. Claims 1-27 were rejected. Claims 1, 3, 5, 6, and 19-21 have been amended. Claims 2, 9, 10, and 24-27 have been canceled without prejudice.

The Applicants would like to thank the Examiner for the interview of September 16, 2003. The discussion was very helpful in moving prosecution of the present application forward.

The Examiner rejected claims 1, 2, and 5-27 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,496,477 (Perkins). The Examiner also rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of U.S. Patent No. 5,751,956 (Kirsch). Independent claims 1 and 19-21 have been amended and independent claims 24-27 have been canceled without prejudice. The rejection is believed overcome thereby. In addition, the rejection of original claims 22 and 23 is traversed.

Perkins describes a process for sending real-time information from a sender computer to a receiver computer via a packet network. Packets containing the real-time information are directed from the sender to the receiver along at least one path in the network. Additional packets containing information which is dependent on the real-time information are directed from the sender to the receiver along at least one "path-diversity" path in the network. See Abstract and Summary. If one path from the sender to the receiver is intermittent, then the sender "inventively launches packets and their dependent packets as plural flows along plural paths 117 and 119 through network 100." The techniques provided by Perkins "make probable that the distinct streams of packets 111 and their dependent packets 113 will traverse different routes 119 and 117 through the network 100 from source 103 to destination 105. See Fig. 1 and column 6, lines 18-36.

Claim 1 of the present application has been amended to recite a method in which a first device receives "a request from a second device for connecting with the first device, the request

identifying at least one predetermined criterion." Claim 1 has been further amended to recite that the first device connects "with the second device in response to the second request," and that the replicate packets generated in the first device are transmitted "along a second routing path, the second routing path being different from the first routing path and including the second device."

These amendments incorporate limitations into claim 1 which were originally presented in original claims 2, 9, and 10. As these claims have already been searched, the Applicants believe no new issues are raised by these amendments, and that no further searching should be required to respond to the arguments set forth herein.

By contrast to amended claim 1, Perkins does not teach that such a request for packet replication is made by another device, OR that such a request identifies the criterion by which packets to be replicated are identified, OR that the replicate packets are transmitted along a routing path which includes the device from which the request was made. Neither Perkins nor any of the cited references teach or suggest these features, either alone or in combination. In view of the foregoing, the rejection of amended claim 1 over Perkins is believed overcome.

Because dependent claims 3-8 and 11-18 incorporate all of the limitations of independent claim 1, the rejection of these claims are also believed overcome for at least the reasons discussed. In addition, because independent claims 19-23 recite similar limitations as those recited in claim 1, these claims are also believed patentable over the cited references for at least the reasons discussed above with reference to claim 1.

//

//

//

//

//

//

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 843-6200.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Joseph M. Villeneuve
Reg. No. 37,460

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200